IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9968 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

DATTANAND INDUSTRIAL ESTATE - Petitioner(s)
Versus
DY. COLLECTOR & 2 - Respondent(s)

==========

Appearance :
MR PR ABICHANDANI for Petitioner(s) : 1,
MR HUKUM SINGH AGP for Respondent(s) : 1 - 3.

==========

CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 15/03/2007

ORAL JUDGMENT

1. Mr.P.R. Abichandani, learned counsel for the petitioner and Mr.Hukum Singh, learned Assistant Government Pleader for the respondents State.

2. The petitions raising identical questions have been

disposed of by this Court on 19/9/2005. The parties submit that the present petition can also be disposed of in terms of the earlier order.

3. The petition is disposed of with the following directions;

The petitioner may avail of the remedy available under the Bombay Stamp Act, 1958 within a period of eight weeks from today. It will be open for the petitioner to raise all the contentions available, which shall be decided by the concerned authority in accordance with law. If the remedy is available of within a period of eight weeks, the authority shall not raise any objection with respect to delay. There shall be stay on recovery under impugned order till the question with respect to the hardship under proviso to section 32(1) is decided.

4. The petition is disposed of accordingly.

(R.S. GARG, J.)

rafik